

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

SEAN D. RALSTON, #880165

§

VS.

§

CIVIL ACTION NO. 9:06cv223

SHERLY HURLEY, ET AL.

§

ORDER OF DISMISSAL

Plaintiff Sean D. Ralston, an inmate confined at the Eastham Unit of the Texas prison system, proceeding *pro se* and *in forma pauperis*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. He complained about the medical care provided to him for genital warts. The complaint was referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation concluding that the lawsuit should be dismissed. The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Plaintiff are without merit. The record reveals that prison officials were responsive to his medical needs and provided medical care. The facts as alleged and developed do not support an inference of deliberate indifference, as that concept was developed by the Supreme Court in *Farmer v. Brennan*, 511 U.S. 825, 835 (1994). Whether a more intensive level

of care, or care by more or different specialists, should be provided is a matter within the discretion of the the legislature. Claims under State law can be brought in a State court. This lawsuit, claiming a violation of federal rights is frivolous. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge. It is accordingly

ORDERED that the cause of action is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). It is further

ORDERED that all motions by either party not previously ruled on are hereby **DENIED**.

So **ORDERED** and **SIGNED** this **2** day of **April, 2007**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge